



Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only

Received:

Date Stamp

Reviewed by: _____

Date Reviewed: _____

Applicant: US Fish & Wildlife Service/Leavenworth Fisheries Complex

Application Number: CHEL-11-03

This record of decision was made by a majority of the board at an open public meeting of the Chelan County Water Conservancy Board held **October 21, 2011**.

☒ **Approval:** The Chelan County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on **October 21, 2011** and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Chelan County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on **October 21, 2011** and submits this record of decision to the Department of Ecology for final review.

Signed:

Don Phelps, Chair
Chelan County Water Conservancy Board

Date: 10/21/11

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Waialele Hampton, Member
Chelan County Water Conservancy Board

Date: 10/21/11

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Chris Snapp, Member
Chelan County Water Conservancy Board

Date: 10/21/11

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

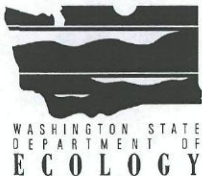
Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on _____.

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CHELAN COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON



Report of Examination

☒ Surface Water ☐ Ground Water

DATE APPLICATION RECEIVED May 12, 2011	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.)C. 1824	WATER RIGHT PRIORITY DATE March 26, 1942	BOARD-ASSIGNED CHANGE APPLICATION NUMBER CHEL-11-03
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NAME U.S. Fish and Wildlife Service, Leavenworth Fisheries Complex, Leavenworth National Fish Hatchery			
ADDRESS (STREET) 12790 Hatchery Road	(CITY) Leavenworth	(STATE) WA	(ZIP CODE) 98826

Changes Proposed: ☐ Change purpose ☐ Add purpose ☐ Add irrigated acres ☐ Change point of diversion/withdrawal
☒ Add point of diversion/withdrawal ☐ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA
The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☐ Exempt ☒ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND 42	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 28,208	TYPE OF USE, PERIOD OF USE Fish Propagation, Year Round (continuously 1/1 – 12/31 annually)				
SOURCE Icicle Creek			TRIBUTARY OF (IF SURFACE WATER) Wenatchee River				
AT A POINT LOCATED: PARCEL NO. 241727140100	¼ SE	¼ NE	SECTION 27	TOWNSHIP N. 24N	RANGE 17E	WRIA 45	COUNTY. Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED Sections 23, 24, and 26 of T 24 N, R 17 E, W.M. Tax and Title 150025922							
PARCEL NO. 241723510553	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Proposed Use

MAXIMUM CUB FT/ SECOND 42	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 28,208	TYPE OF USE, PERIOD OF USE Fish Propagation, Year Round (continuously 1/1 – 12/31 annually)				
SOURCE Icicle Creek			TRIBUTARY OF (IF SURFACE WATER) Wenatchee River				
AT A POINT LOCATED: PARCEL NO. 241723510553 241727140100	¼ NE SE	¼ SE NE	SECTION 23 27	TOWNSHIP N. 24N 24N	RANGE 17E 17E	WRIA 45 45	COUNTY. Chelan Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED Sections 23, 24, and 26 of T 24 N, R 17 E, W.M. Tax and Title 150025922							
PARCEL NO. 241723510553	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND 42	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 28,208	TYPE OF USE, PERIOD OF USE Fish Propagation, Year Round (continuously 1/1-12/31 annually)				
SOURCE Icicle Creek			TRIBUTARY OF (IF SURFACE WATER) Wenatchee River				
AT A POINT LOCATED: PARCEL NO. 241727140100 241723510553	¼ SE NE	¼ NE SE	SECTION 27 23	TOWNSHIP N. 24N 24N	RANGE 17E 17E	WRIA 45 45	COUNTY. Chelan Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD Sections 23, 24, and 26 of T 24 N, R 17 E, W.M. Tax and Title 150025922							
PARCEL NO. 241723510553	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

DESCRIPTION OF PROPOSED WORKS

The USFWS/Leavenworth NFH Complex is requesting an additional point of diversion, located at the hatchery's spillway pool, to be used as needed (contingency plan) for any future emergencies if the current point of diversion fails to deliver the necessary amount of water for hatchery operations. The hatchery proposes to use water pumps to withdraw a maximum of 42 cfs from Icicle Creek at approximately RM 2.8. The pumps will meet the Washington Department of Fish and Wildlife's fish screening requirements outlined in the "Fish Protection Screen Guidelines for Washington State." Water will be delivered via a flexible above ground pipe system to either the hatchery's sand settling basin or screen chamber.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: 75 days after the Board's issuance of a Record of Decision	COMPLETE PROJECT BY THIS DATE: N/A	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: N/A
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REPORT

BACKGROUND [See WAC 173-153-130(6)(a)]

On May 9, 2011 the U.S. Fish and Wildlife Service, Leavenworth Fisheries Complex, Leavenworth National Fish Hatchery of Leavenworth, Washington filed an application for change to add an additional point of diversion under water right Certificate 1824. The application was accepted at an open public meeting on May 12, 2011, and the board assigned application number CHEL-11-03.

Attributes of the water right as currently documented

Name on certificate, claim, permit: **United States Department of Interior, Fish and Wildlife Service**

Water right document number: **Superseding Water Right Certificate 1824**

As modified by certificate of change number: **N/A**

Priority date, first use: **March 26, 1942**

Water quantities: **Qi: 42 cfs Qa: 28,802 acre ft./ year**

Source: **Icicle Creek surface water**

Point of diversion/withdrawal: **200 feet north and 700 feet west of the east quarter corner of Section 27**

Purpose of use: **Fish Propagation**

Period of use: **Continuously from Jan. 1 through Dec. 31 annually**

Place of use: **Leavenworth National Fish Hatchery, being within Sections 23, 24, and 26, T 24 N, R 17 E, W.M.**

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

LNFH was authorized by the Grand Coulee Fish Maintenance Project, April 3, 1937 and reauthorized by the Mitchell Act (52 Stat. 345), May 11, 1938. The Mitchell Act authorized the Secretary of Commerce "...to establish one or more salmon cultural stations in the Columbia Basin in each of the states of Oregon, Washington, and Idaho." LNFH is one of three mid-Columbia stations constructed by the BOR as fish mitigation facilities for the Grand Coulee Dam, Columbia Basin Project. A fourth mitigation hatchery near Chief Joseph Dam was proposed by BPA in 2006 and a Record of Decision followed on March 18, 2010. Although reauthorized by the Mitchell Act, funding for LNFH was provided through a transfer of funds from the BOR to the USFWS until 1945. From 1945 to 1993, the USFWS had funding, management, and operation responsibilities for LNFH. Beginning on October 1, 1993, the BOR reassumed funding responsibility for LNFH while the USFWS continues to manage and operate the facility.

In addition to the initial authorizations mentioned above, hatchery operations are authorized, sanctioned and influenced by the following treaties, judicial decisions and specific legislation:

- Treaty with the Walla Walla, Cayuse, Umatilla Tribes, 06/09/1855
- Treaty with the Yakama, 06/09/1855
- Treaty with the Nez Perce, 06/25/1855
- Treaty with the Tribes of Middle Oregon, 06/25/1855
- Executive Order (Treaty with Bands of Colville), 04/08/1872
- U.S. v. Oregon (Sohappy v. Smith, "Belloni Decision", Case 899), 07/08/1969
- Endangered Species Act of 1973, 87 Stat. 884, 12/28/1973
- Salmon and Steelhead Conservation and Enhancement Act, 94 Stat. 3299, 12/22/1980
- Pacific Salmon Treaty Act of 1985 (U.S./Canada Pacific Salmon Treaty), Public Law 99-5, 16 U.S.C. 3631, 03/15/1985
- U.S. v. Colville Confederated Tribes (No. 08-35961, D.C. No. 3:68-cv-00513-KI), May 27, 2010 (reaffirmation of the Wenatchi's Icicle Creek fishing rights)

When LNFH was first chartered, spring Chinook salmon and steelhead were identified as the primary mitigation species.

The initial operating plan called for adult spring Chinook salmon and summer steelhead to be trapped at Rock Island Dam and hauled to LNFH for holding and spawning. Salmon and steelhead trapped at the Rock Island Dam represented a mix of fish destined for the upper Columbia River system. The LNFH was considered to be the primary adult holding and spawning site with eggs being shipped from there to the Entiat and Winthrop NFHs. However, fertilized eggs were imported from a variety of sources.

Over the years, the LNFH production program has included a variety of species including spring and summer Chinook, coho, steelhead, kokanee, and various resident salmonids. Since 1974, spring Chinook salmon have been the priority species and the success of the program has allowed a sport and tribal fishery in most years.

LNFH currently rears only the "Carson lineage" stock of spring Chinook salmon. The Carson lineage stock was derived from fish captured at Bonneville Dam and genetic analysis indicate that these fish represent some unknown admixture of fish from the mid and upper Columbia and Snake River populations (Campton 2000). Enough adults return to LNFH annually to meet production targets and the hatchery has not imported eggs or fry for release into Icicle Creek for more than twenty years.

Currently, LNFH targets a release of 1.2 million spring Chinook salmon pre-smolts into Icicle Creek (approx. RM 2.7) during late April. Production goals at this facility are set by the Columbia River Fish Management Plan under U.S. vs. Oregon. Initially this plan set a production goal of 2.2 million spring Chinook salmon pre-smolts annually, but this was renegotiated in 1991 to 1.625 million (release year 1993 – 2008) and in 2008 to 1.2 million (release year 2009). The production level was reduced in 2008 per the U.S. v. Oregon 2008 – 2017 Management Agreement to improve fish health and to improve the quality of water (lower phosphorus) discharged into Icicle Creek. The migration corridor for released pre-smolts and returning adult fish includes approximately 489 river miles (2.8 RM Icicle Creek, 26 RM Wenatchee River, and 460 RM Columbia River) and the Pacific Ocean. Adult salmon returning to the hatchery in excess of broodstock needs support a tribal (approx. RM 2.7 to 2.8, spillway pool) and sport fishery (approx. RM 0 to 2.7) in Icicle Creek. Also, excess adults entering the hatchery are given to Native America tribes for food and tribal ceremonies.

LNFH is located three miles south of Leavenworth, Washington, near the mouth of Icicle Canyon. LNFH withdraws surface water from Icicle Creek at river mile (RM) 4.5 and returns water to the creek at approximately RM 2.8. LNFH also operates and manages three lakes/reservoirs (Lower Snow, Upper Snow and Nada Lakes) located approximately seven miles from the hatchery and about one mile above it in elevation in the Alpine Lakes Wilderness Area. Water leaves these lakes via Snow Creek and enters Icicle Creek at RM 5.5 (Figure 1).

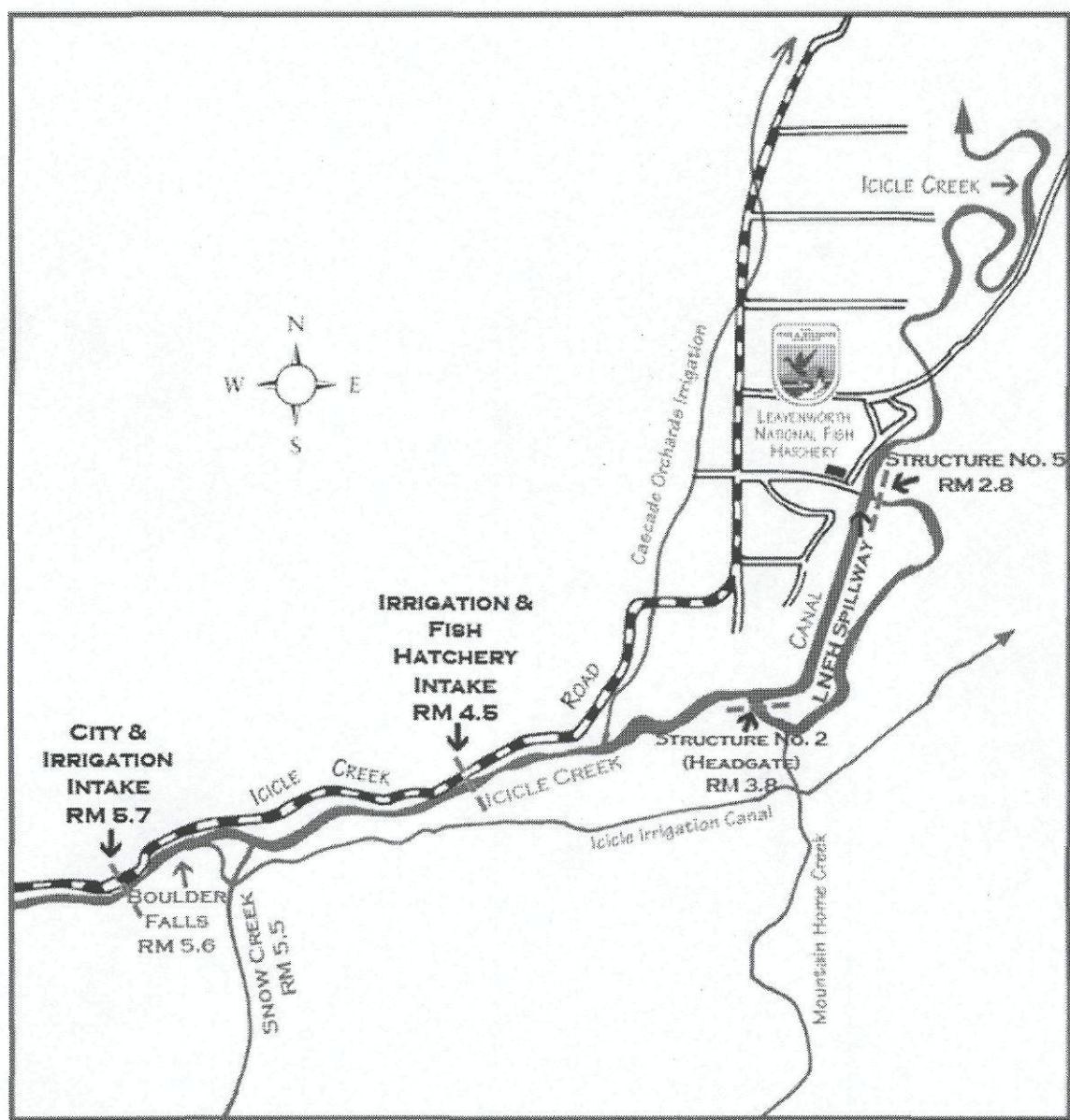


Figure 1. Leavenworth National Fish Hatchery and Vicinity

LNFH shares a point of diversion with Cascade Orchards Irrigation (COIC) in Icicle Creek at RM 4.5. LNFH maintains and operates the intake diversion structure and its associated intake structures as part of a 1939 contract between the United States and COIC. LNFH funds the WDFW to maintain COIC's diversions, screens, and fish bypass. COIC has a 1905 water right for 12.4 cfs during the irrigation season (May 1st through October 1st) and LNFH holds a 1942 water right to divert 42 cfs year around. The hatchery's water supply system consists of four major components: (1) point of diversion and gravity flow delivery system; (2) Snow/Nada Lake Basin supplementation water supply reservoirs; (3) well system on hatchery property; and 4) water discharge. Table 1 lists all water rights held by LNFH.

Table 1: Water Rights for Leavenworth National Fish Hatchery.

CERTIFICATE #	PRIORITY DATE	SOURCE	AMOUNT
1824	03/26/1942	Icicle Creek	42 cfs (18,851 gpm)
1825	03/26/1942	Snow & Nada Lakes	16,000 acre feet
016378	08/01/1939	Groundwater (1 Wells)	1.56 cfs (700 gpm)
016379	06/01/1940	Groundwater (1 Wells)	2.01 cfs (900 gpm)
3103-A	10/16/1957	Groundwater (1 Wells)	2.67 cfs (1200 gpm)
G4-27115C	10/20/1980	Groundwater (4 Wells)	8.69 cfs (3900 gpm)

Previous changes

In 1983, the U.S. Fish and Wildlife Service voluntarily relinquished 158 cfs of the original water in Water Right Certificate 1824. The Department of Ecology issued a superseding certificate in the amount of 42 cfs on January 16, 1984.

The board has reviewed the proposed project in its entirety. The provisions of SEPA have been satisfied. A SEPA Environmental Checklist (WAC 197-11-960) was completed June 20, 2011 and was presented to the Board July 14, 2011. A Determination of Non-Significance was published in the Wenatchee World on August 8, 2011. Comment period ended on August 24, 2011.

Other

Leavenworth National Fish Hatchery is a non-consumptive water right user. Regular operations include withdrawing up to 42 cfs from Icicle Creek at RM 4.5 and returning it at RM 2.8. The hatchery is requesting an additional point of diversion at RM 2.8 (spillway pool) to be used as needed (contingency plan) for any future emergencies if the current point of diversion fails to deliver the necessary amount of water for hatchery operations. Withdrawing water from this additional point of diversion would be a short-term response to an emergency and is not a long-term solution. Withdrawing water from RM 2.8 has an environmental benefit to approximately 1.7 miles of Icicle Creek as the water withdraw and return points would occur at the same location. To mitigate for potential effects to ESA listed threatened and endangered fish species, the pumps used to withdraw water will be screened according to appropriate federal and state guidelines. Pumps may also have a minimal effect to the environment through emissions and an increase in noise. No significant, negative effect to the environment is expected from this action.

Below is an excerpt from the hatchery's 2011 Biological Assessment describing its entire water delivery system:

LNFH shares a point of diversion with COIC in Icicle Creek at RM 4.5. LNFH maintains and operates the intake diversion structure and its associated intake structures as part of a 1939 contract between the United States and COIC. LNFH funds the WDFW to maintain COIC's diversions, screens, and fish bypass. COIC has a 1905 water right for 12.4 cfs during the irrigation season (May 1st through October 1st) and LNFH holds a 1942 water right to divert 42 cfs year around. Table 1 above lists all water rights held by LNFH.

The hatchery's water supply system consists of four major components: (1) point of diversion and gravity flow delivery system; (2) Snow/Nada Lake Basin supplementation water supply reservoirs; (3) well system on hatchery property; and 4) water discharge. Each of these four major components is described individually below.

1. Point of Diversion and Gravity Flow Delivery System

LNFH's intake facilities contain several components. The intake system relies on gravity flow to convey water from the intake to the hatchery. Primary to the LNFH water intake system is a rubble masonry diversion structure that spans Icicle Creek (RM 4.5). The low head structure is comprised of a concrete base with flash boards on top and a pool and weir fish ladder. The structure raises water elevations several feet allowing a portion of the flow to be diverted into a concrete water conveyance channel with a grizzly rack (6 inch bar spacing) at its entrance. Water entering the conveyance channel is transported a short distance from the coarse grizzly rack to a small building which houses a fine rack (1 ½ inch bar spacing), an overflow spill section, and a sediment sluicing section. The coarse and fine racks serve to limit the size of objects that may enter the pipeline. A discharge channel guides the spilled water and sluiced material back to the creek downstream of the building. Water retained in the system is transported from the fine rack into a 33 inch diameter buried pipeline. A slide gate is located at the pipe entrance to regulate flow into the pipe. Normally this gate is left fully open. Approximately 1,260 ft down gradient from the beginning of the pipe system is a gate valve that controls flow into COIC's delivery system. COIC's pipe leads to a small drum screen that provides a means of bypassing fish from COIC's diversion flow back to the river (RM 4.2). A maximum of 42 cfs of river water that does not enter COIC's water delivery system is transported through a 31 inch diameter buried pipeline approximately 5,200 ft to the hatchery. Before water enters the hatchery's rearing units it is either routed into a sand settling basin (normal operation) or to the outside screen chamber. From the sand settling basin, water is transported through the main pipeline to either the outside or inside screen chamber. Screened river water exiting the two chambers is used in the hatchery's rearing units and then enters the discharge system or is re-used in the adult holding ponds and/or the Foster Lucas ponds before entering the discharge system.

In 2008, a remotely operated video inspection of the upstream-most 1,457 ft of the hatchery's pipeline was conducted (BOR 08). The overall condition of the inspected portion of the pipe was poor. Numerous transverse cracks were observed in the cement mortar lining. The cement mortar lining exhibited various stages of erosion from minor scouring to exposure of the steel cylinder along the pipe invert. It is evident from the back side of chunks of lining retrieved from the sand settling basin that the surface of the steel cylinder is corroded in some areas. The thickness of many of the chunks suggests a failure of the bond between the cement mortar lining and the steel cylinder. The areas of missing cement mortar lining observed during the inspection do not account for the number and relatively large size of the pieces of lining which have been deposited over the years in the sand settling basin. Therefore, the condition of the portion of the pipe that was not inspected is assumed to be similar, and possibly worse, than that of the inspected portion. This portion of the pipeline is scheduled to be inspected in April 2012 to determine the need for replacement (Water Right Change Application No. CS4-01824C@1).

2. Snow/Nada Lakes Supplementation Water Supply Reservoirs

During construction of the hatchery, it was recognized that stream flow and water temperatures in Icicle Creek might at times be insufficient to meet production demands. A supplementary water supply project in Snow and Nada lakes was developed and a water right of 16,000 acre feet (ac-ft) was obtained. These lakes are located approximately seven miles from the hatchery and about one mile above it in elevation. A one-half mile tunnel was drilled through granite to the bottom of upper Snow Lake and a control valve was installed at the outlet end of the tunnel. Water drains from Snow Lake to Nada Lake into Snow Creek, a tributary to Icicle Creek that enters at RM 5.5. Thus, supplemental flows from Snow Creek enter Icicle Creek one mile above LNFH's intake system. Icicle-Peshastin Irrigation District (IPID) has rights to 600 ac-ft of natural flow from Snow Creek.

The lakes are accessed by helicopter or foot at least twice a year, typically in July and October, to open and close the control valve. More trips may occur to adjust releases from the lakes and to perform maintenance. Static-stilling well flow recorders at two locations help manage the reservoirs: 1) the outlet valve for upper Snow Lake and 2) the mouth of main tributary entering upper Snow Lake. Data from the recorders is managed by the USFWS Region 1 Water Rights Division in Portland, Oregon.

Recent reports by Wurster (2006) and Montgomery Water Group (2004) describe water use from the supplementation reservoirs. Both reports indicate that in most years the reservoirs are capable of providing 50 cfs of supplemental flow from approximately early July to October with a reasonable expectation of refilling the withdrawn amount by July of the following year. Providing supplemental flows of 50 cfs, to ensure LNFH can withdraw its full water right from Icicle Creek during this time frame, benefits the Icicle Creek system by reducing water temperatures and increasing flow levels when flows are typically reduced due to upstream irrigation. This commitment equates to a release of nearly 7,000 ac-ft of storage, a volume recommended by Wurster (2006) with an estimated 60% probability that inflows to upper Snow Lake will meet or exceed the released volume.

3. Well System

Groundwater provides the third major component of LNFH's water delivery system. The LNFH operates seven wells which produce the quality of water needed to sustain its fish production program. Five wells are located on the west bank of the hatchery channel and two are located near the hatchery's main entrance road. These wells draw water from two aquifers, one deep and one shallow. The deep-water aquifer is not influenced locally by surface water. Well 5 delivers water from this aquifer while Well 6 has the capacity to draw water from both aquifers. The shallow aquifer is influenced by surface water. Wells 1-4 and 7 draw water from the shallow aquifer. Recharge of the shallow aquifer is affected by how much surface water is present and, thus, percolates into groundwater, in the historical and hatchery channels. Water pumped from wells 4, 5, and 6 passes through an aeration chamber before entering the hatchery's pipeline system. Water pumped from wells 1, 2, 3, and 7 enters a series of aeration screens prior to entering the hatchery's pipeline system at the inside screen chamber. Well water is used to supplement and temper river water to meet production goals. Hatchery production could not be sustained year-around or for long periods of time on either river water or well water alone.

4. Water Discharge

Water diverted into LNFH's water delivery system is discharged into Icicle Creek at one of three locations: (1) at the base of the fish ladder (RM 2.8); (2) at the top of the fish ladder (used ~1 week during pre-smolt release); or (3) at the outfall for the pollution abatement ponds (~RM 2.7). The majority of river and well water used for hatchery operations returns to Icicle Creek near the base of the adult return ladder except during pond cleaning and maintenance activities when all water is routed through the pollution abatement ponds. All of the river water and groundwater used at the hatchery, minus any leakage and evaporation, is returned to Icicle Creek (non-consumptive use).

The LNFH operates and monitors its water discharge in compliance with its National Pollutant Discharge Elimination System (NPDES) permit No. WA-000190-2. LNFH submitted an application for a new NPDES discharge permit on November 15, 2005, a draft permit is in the review process, and a new permit is to be issued in 2011. In conjunction with the new NPDES permit, WDOE issued a 401 Water Quality Certification (Order No. 7192) to LNFH (WDOE 2010). Conditions of this permit further ensure that LNFH operations and maintenance meet Washington state water quality standards.

The information or conclusions in this section were authored and/or developed by Don Phelps, Chris Snapp, Waikele Hampton, and Malenna Cappellini.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the Wenatchee World on May 26, 2011 and June 2, 2011. Protest period ended on July 2, 2011.

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by Don Phelps, Chris Snapp, and Waikele Hampton on May 24, 2011, technical reports, research of department records, and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

Changes proposed to this right are limited to the addition of another point of diversion located in the NE ¼ of the SE ¼ of Section 23, T24N, R17E to be used as needed (contingency plan) if the current point of diversion fails to deliver the necessary amount of water for hatchery operations. Withdrawing water from this additional point of diversion would be a short-term response to an emergency.

The hatchery proposes to use water pumps to withdraw a maximum of 42 cfs from Icicle Creek at approximately RM 2.8. The pumps will meet the Washington Department of Fish and Wildlife’s fish screening requirements outlined in the “Fish Protection Screen Guidelines for Washington State.” Water will be delivered via a flexible above ground pipe system to either the hatchery’s sand settling basin or screen chamber.

Other water rights appurtenant to the property (if applicable)

Water Rights for Leavenworth National Fish Hatchery.

CERTIFICATE #	PRIORITY DATE	SOURCE	AMOUNT
1824	03/26/1942	Icicle Creek	42 cfs (18,851 gpm)
1825	03/26/1942	Snow & Nada Lakes	16,000 acre feet
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3103-A	10/16/1957	Groundwater (1 Wells)	2.67 cfs (1200 gpm)
G4-27115C	10/20/1980	Groundwater (4 Wells)	8.69 cfs (3900 gpm)

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. As the proposed transfer is for a surface water right, this does not apply.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board’s tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board’s tentative determination was based upon the following findings: Direct evidence of the actual quantity of water diverted (see attached). The subject water right has been beneficially used without interruption since the issuance of the superseding certificate dated January 16, 1984.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

No further scientific investigations were required.

The information or conclusions in this section were authored and/or developed by Don Phelps, Chris Snapp, Waikele Hampton, and Malenna Cappellini.

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

Certificate No. 1824 represents a valid exercisable right.

The elements of the existing water right and of the proposed change are located in Chelan County.

The water right proposed for change has been continuously exercised and put to beneficial use from the priority date stated in the certificate. The extent of beneficial use associated with the water right subject to the change application has been documented and confirmed to the extent of 42 cfs and 28,208 af/yr.

Relinquishment or abandonment concerns

N/A

Hydraulic analysis

The Board determined there to be no need for a hydraulic analysis as the proposed change will divert water from the same source (Icicle Creek) approximately 1.7 miles downstream of the existing diversion.

Consideration of comments and protests

No comments or protests were received.

Impairment

The proposed change can be made without injury or detriment to existing water rights. Surface Water Certificate 1824 has been exercised and beneficially used in the past. No increases in pumping rates are proposed and no additional water will be withdrawn under this change beyond what is authorized under the existing right.

Public Interest

N/A

DECISION [See WAC 173-153-130(6)(e)]

Based on the above investigation and conclusions, the Chelan County Water Conservancy Board approves the addition of an additional point of diversion to Certificate 1824.

Upon satisfaction of the development schedule, and notification thereof to the Department of Ecology, a superseding certificate may be issued to the Applicant by the Department of Ecology setting forth the attributes of the rights as perfected within the quantities set forth below:

Name on Water Right:	U.S. Fish and Wildlife Service, Leavenworth Fisheries Complex, Leavenworth National Fish Hatchery
Priority Date:	March 26, 1942
Instantaneous Quantity:	42 cfs
Annual Quantity:	28,208 acre-feet p/year
Source:	Icicle Creek
Point of Diversion:	Chelan County Parcel Number: 241727140100; in the SE ¼ of the NE ¼ Section 27, T24N, R17E. Chelan County, Washington. Chelan County Parcel Number: 241723510553; in the NE ¼ of the SE ¼ Section 23, T24N, R17E. Chelan County Washington.
Purpose of Use:	Fish propagation
Period of Use:	Continuous, year round
Place of Use:	Sections 23, 24, and 26 of T24N, R17E, W.M. Tax and Title 150025922

The Board hereby recommends the proposed change for approval subject to the provisions provided herein.

The information or conclusions in this section were authored and/or developed by Don Phelps, Chris Snapp, Waikele Hampton.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

The following provisions are to be included as a part of the application approval decision referred to in the preceding section:

The following provisions are to be included as a part of the application approval decision referred to in the preceding section:

- 1) The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required.
- 2) This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
- 3) An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.
- 4) Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
- 5) Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".
- 6) Water use data shall be recorded monthly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you have questions or need forms, contact the Central Regional office.
- 7) This authorization is subject to Washington Department of Fish and Wildlife juvenile salmon and gamefish screening criteria (pursuant to RCW 77.55.040).
- 8) The applicant must obtain Hydraulic Project Approval from the Washington Department of Fish and Wildlife for all construction activities occurring within the high water mark of Lake Chelan and its tributaries. Please contact the Department of Fish and Wildlife, 3860 Chelan Hwy N., Wenatchee, WA 98801-9625 or by telephoning Bob Steele at (509) 662-0452.

Mitigation (if applicable)

No mitigation is a required as a result of this change.

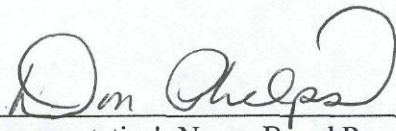
Construction Schedule

The applicant shall have a development schedule for completion of the facilities related to the changes approved by this Final Order as set forth above. Provided that, for good cause shown, the dates for development set forth above may be extended by the Department of Ecology (hereinafter Ecology) upon request of the applicant. Upon satisfaction of the development schedule, and notification thereof to the Department of Ecology, a superseding certificate shall be issued to the applicant by the Department of Ecology containing the attributes as set forth in the decision section above to the extent they have been perfected.

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The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Entiat, Washington
This 10/21/11 day of Month, Year


Board Representative's Name, Board Representative *Chairman*
Board Name Water Conservancy Board
Chelan County

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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